

5 Washington Street
Post Office Box 630
Newark, NJ 07101-0630
973.733.7800
www.npl.org

TRUSTEES

Trish Morris-Yamba, *President*

Debbie Salas-Lopez, *Vice President*

Marion A. Bolden
District Superintendent
Alternate: Gayle W. Griffin, *Secretary*

Joseph Yeadon, *Treasurer*

Alberto Coutinho

Timothy J. Crist

Sharpe James, *Mayor*
Alternate: Dwayne Ashley

Clement Alexander Price

Alex Boyd, *Director*

DOCKET FILE COPY ORIGINAL

October 14, 2004

RECEIVED & INSPECTED

OCT 18 2004

FCC - MAILROOM

Federal Communications Commission
Office of the Secretary
445-12th Street, SW
Washington, DC 20554

Re: Request for Review - CC Docket No. 02-6

***SLD Administrator's Decision on Appeal-Funding Year 2003-2004 --
Dated August 18, 2004**

***471 Application Numbers: 369413374744, 374901, 372448, 369094,
375091, 371540, 376017, 372006, and 376300.**

Billed Entity Name: The Newark Public Library

Billed Entity Number: 122775

**Our Contact: Mr. George Wheatle Williams, 973.733.5697 [V],
973.733.8539 [F], gwilliams@npl.org**

Dear Sir or Madam:

Kindly accept this correspondence as the Newark Public Library's *Letter of Appeal* for the above captioned matter. Specifically, the Newark Public Library seeks to appeal the Administrator's Decision on Appeal decision to deny-in-full the above referenced funding requests. The Administrator stated, in part, the following rationale for the denial [see attached copy of complete letter]:

- ✓ "Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that you violated the seven (7) day procedure requests for documentation. During Selective Review, the SLD requested documentation to support the funding requests on January 12, 2004 and January 20, 2004. You were asked to provide additional support documentation on your operating budget showing that the school could pay its portion of the non-discounted portion of the requested services, vendor selection process and criteria, number of bids received and copy contracts. As of the date of the Funding Commitment Decision Letter (FCDL), SLD had not received a response to the requests for supporting documentation. Consequently, SLD was unable to determine the eligibility of the funding requests and the application was denied. On appeal, you fail to provide evidence that SLD erred in its initial determination. Consequently, the appeal is denied."
- ✓ "During the review of your Form 471 application, SLD sought additional information from you and notified you that this information needed to be provided within 7 days. You did not provide this information within 7 days, or the information that you provided was insufficient to complete your form."

Accordingly, the Newark Public Library submits this *Letter of Appeal* on the following grounds:

- ✓ The Administrator's Decision on Appeal is factually incorrect; i.e., SLD did not cite their failure to receive requested supporting documentation and subsequent inability to determine the eligibility of the funding request as the

No. of Copies rec'd 2
List ABCDE

reason for the denial of the subject applications. [see attached Funding Commitment Letter – dated March 30, 2004]

- ✓ The Newark Public Library did respond to all requests for additional information during the relevant funding year. [see attached copy of Library's responses to subject requests.]

Background:

- ✓ On March 30, 2004, The Newark Public Library received *Funding Commitment Decision Letters [FCDLs]* for the above referenced Funding Requests. The aforementioned FCDLs each stated that the Funding Commitment Decisions were due to bidding violations.
- ✓ On May 28, 2004, the Newark Public Library submitted its Appeals for the above referenced Funding Requests in response to the specifics of the aforementioned FCDLs.
- ✓ On August 18, 2004, the USAC issued its *Administrator's Decision on Appeal* that cited, for the first time, the Newark Public Library's violation of the seven (7) day procedure request for documentation.
- ✓ Representatives of the Newark Public Library subsequently contacted the SLD to request clarification on the Administrator's Decision on Appeal.
- ✓ On October 8, 2004 the Library submitted a written request for proof of the January 12, 2004 and January 20, 2004 SLD requests for additional information.
- ✓ As of the date of this Letter of Appeal, the Newark Public Library has not received a response from the SLD. [see attached letter]

Appeal Argument:

The *Administrator's Decision on Appeal* should be reversed because it is both factually inaccurate and arbitrary.

The Newark Public Library submits that, contrary to statements contained in the *Administrator's Decision on Appeal*, the SLD did not cite an inability to determine the eligibility of the funding requests in their March 30th FCDL. The only funding decision explanation provided in the FCDL was "Bidding Violation". Similarly, the FCDLs made no reference to the specific SLD requests [January 12 & 20th] for documents to support the funding requests.

In reliance solely upon the information provided in the FCDLs, the Newark Public Library did submit a reasonable appeal, with supporting documentation, to rebut the alleged "Bidding Violations". The *Administrator's Decision on Appeal* does not find fault with the Newark Public Library's selection of service providers. Instead, it based its decision on factors not mentioned in the original FCDLs. Had the FCDL indeed referenced the January 12th and 20th requests for documentation as part of their *Funding Commitment Decision Explanation*, the Newark Public Library would have addressed that matter in its May 28th Appeals. Failure of the SLD to cite this explanation in the March 30th FCDLs therefore makes the August 18th *Administrator's Decision on Appeal* arbitrary and capricious.

Furthermore, the Newark Public Library contends that it did respond to all requests for information in a timely fashion during the subject-funding year. Specifically, Mr. Luis Hernandez, of the Newark Public Library, did provide additional supporting documentation on the Library's operating budget showing that the Library could pay its portion of the non-discounted portion of the requested services, vendor selection process and criteria, number of bids received and copy of contracts. [see attached documentation]

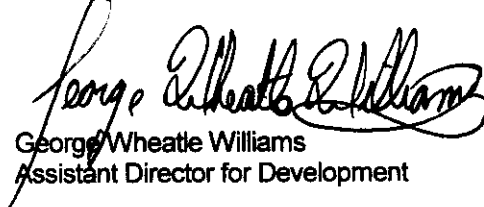
Conclusion:

The Newark Public Library contends that the SLD erred in their *Administrator's Decision on Appeal*. The Decision on Appeal is not only arbitrary and capricious, but also does not promote the public interests. Indeed, the funding denial affects the Newark Public Library and the many other public libraries that it services; effectively denying the citizenry access to the services that they depend upon.

The denial of approximately \$1.5 million in eligible funding based on the Newark Public Library's violation of the seven-day rule is particularly capricious given the Library's history of responsiveness, the number of occasions that necessitated the resending of documents due to the SLD's misplacement of original submissions, and the fact that the SLD continued to request additional information as late as March 11, 2004 for the same funding requests without ever mentioning unsatisfied requests for information. [see attached email requests]

If the Schools and Libraries Universal Service Support Mechanism truly exists to provide discounts to assist most schools and libraries in the United States to obtain affordable telecommunications and Internet access, then an egregious error has been made in the *Administrator's Decision on Appeal* which must be corrected by the FCC.

Sincerely,



George Wheatle Williams
Assistant Director for Development

ATTACHMENTS

Cc: Ms. Grey
Mr. Hernandez
Mr. Casale



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2003-2004

August 18, 2004

Luis Hernandez
The Newark Public Library
5 Washington Street
Newark, NJ 07101

Re: Billed Entity Number: 122775
 471 Application Number: 376300
 Funding Request Number(s): 1031063
 Your Correspondence Dated: May 28, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision regarding your appeal of SLD's Year 2003 Funding Commitment Decision for the application number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one application number, please note that for each application an appeal is submitted, a separate letter is sent.

Funding Request Number: 1031063
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you state that after posting for the requested services, the library did not receive any formal or informal proposals. As a result, you searched for vendors on the areas of technological leadership, financial stability, price, and post-sale support as well as the vendor's understanding of the e-rate process. Only proposals from vendors who satisfied the above criteria and the necessary requirements under State procurement laws were considered.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, we find that you violated the seven (7) day procedure request for documentation. During Selective Review, the SLD requested documentation to support the funding requests on January 12, 2004 and January 20, 2004. You were asked to provide additional support documentation on your operating budget showing that the school could pay its portion of the non-discounted portion of the requested services, vendor

selection process and criteria, number of bids received and copy of contracts. As of the date of the Funding Commitment Decision Letter (FCDL), SLD had not received a response to the requests for supporting documentation. Consequently, SLD was unable to determine the eligibility of the funding requests and the application was denied. On appeal, you fail to provide evidence that SLD erred in its initial determination. Consequently, the appeal is denied.

- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. See 47 C.F.R. sec. 54.500 et seq. To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. See *In re Marshall County School District*, CC Docket 96-45, DA 03-764, para. 6 (rel. Mar. 13, 2003). One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD Website, Reference Area, "Deadline for Information Requests," <http://www.sl.universalservice.org/reference/deadline.asp>. This procedure is necessary to prevent undue delays during the application review process. See *In re Marshall County School District*, para. 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.
- During the review of your Form 471 application, SLD sought additional information from you and notified you that this information needed to be provided within 7 days. You did not provide this information within 7 days, or the information that you provided was insufficient to complete your Form.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2003: 07/01/2003 - 06/30/2004)

March 30, 2004

NEWARK PUBLIC LIBRARY
Luis Hernandez
5 WASHINGTON ST
NEWARK, NJ 07102

Re: Form 471 Application Number: 371540
Funding Year 2003: 07/01/2003 - 06/30/2004
Billed Entity Number: 122775
Applicant's Form Identifier: ProMed4

Thank you for your Funding Year 2003 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$565,872.30 is "Denied".

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

NEW FOR FUNDING YEAR 2003

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment

Box 123 - Correspondence Unit, 80 South Jefferson Road, Whippany, New Jersey, 07981
Visit us online at: www.sl.universalservice.org

*Selected REVISED
Copyright Bids
Appeal Decision
47 School districts
it*

incorrect

*we
spoke
to*

*McHale
Company*

*refers
it*

*Does not
have to be
lowest
Bidder*

Decision(s) You are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.

3. When explaining your appeal, copy the language or text from the Funding Commitment Report that is at the heart of your appeal, to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, sent to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the SLD and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by the SLD.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.

FUNDING STATUS: Each FRN will have one of the following definitions:

1. An FRN that is "Funded" will be approved at the level that the SLD determined is appropriate for that item. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds will be committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connections requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the Universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on Form 471.

EARLIEST POSSIBLE EFFECTIVE DATE OF DISCOUNT: The first possible date of service for which the SLD will reimburse service providers for the discounts for the service.

CONTRACT EXPIRATION DATE: The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a will be listed. This will appear only for "site specific" FRNs.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service provided in the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

IMPORTANT REMINDERS & DEADLINES

Date: March 30, 2004

471 : 371540

BEN : 122775

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

FORM 486 DEADLINE - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, you must indicate the SLD Certified Technology Approver who approved your plan and you must retain documentation of your monitoring of the progress toward your stated goals.

CHILDREN'S INTERNET PROTECTION ACT (CIPA) - If FY2003 is your Third Funding Year for the purposes of CIPA and you apply for Internet Access or Internal Connections, you must be in compliance with CIPA and cannot request a waiver. The Supreme Court may issue an opinion in July 2003 changing the CIPA requirements - watch the SLD web site.

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and services have been delivered and billed, and (for BEAR Forms) the provider has been paid.

OBLIGATION TO PAY NON-DISCOUNT PORTION - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If you are using a trade-in as part of your non-discount portion, please refer to the SLD web site.

RETAIN DOCUMENTATION - Applicants and service providers must retain documentation, including but not limited to, documents showing:

- compliance with all applicable competitive bidding requirements,
- products and/or services delivered (e.g., customer bills detailing make, model and serial number),
- resources necessary to make effective use of E-rate discounts, including the purchase of equipment such as workstations not eligible for support,
- the specific location of each item of E-rate funded equipment, and
- the applicant has paid the non-discount portion.

These documents must be retained and available for review for 5 years.

FREE SERVICES ADVISORY - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineligible or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants are entitled.

Complete program information is posted to the Schools and Libraries Division (SLD) web site at www.sl.universalservice.org. Information is also available by contacting the SLD Client Service Bureau by e-mail at question@universalservice.org, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 371540
 Funding Request Number: 1013990 Funding Status: Not Funded
 Services Ordered: Internal Connections
 SPIN: 143004851 Service Provider Name: ProMedia Technology Services, I
 Contract Number: A81225
 Billing Account Number: N/A
 Earliest Possible Effective Date of Discount: 07/01/2003
 Contract Expiration Date: 06/30/2004
 Annual Pre-discount Amount for Eligible Recurring Charges: \$0.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$165,327.00
 Pre-discount Amount: \$165,327.00
 Discount Percentage Approved by the SLD: N/A
 Funding Commitment Decision: \$0.00 - Bidding Violation
 Funding Commitment Decision Explanation: The dollars requested were reduced to remove the ineligible services: Configure Security and QOS. Documentation provided demonstrates that price was not the primary factor in selecting this service provider's proposal.

Funding Request Number: 1014030 Funding Status: Not Funded
 Services Ordered: Internal Connections
 SPIN: 143004851 Service Provider Name: ProMedia Technology Services, I
 Contract Number: A18225
 Billing Account Number: N/A
 Earliest Possible Effective Date of Discount: 07/01/2003
 Contract Expiration Date: 06/30/2004
 Annual Pre-discount Amount for Eligible Recurring Charges: \$0.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$166,285.00
 Pre-discount Amount: \$166,285.00
 Discount Percentage Approved by the SLD: N/A
 Funding Commitment Decision: \$0.00 - Bidding Violation
 Funding Commitment Decision Explanation: The dollars requested were reduced to remove the ineligible service: Configure Security. Documentation provided demonstrates that price was not the primary factor in selecting this service provider's proposal.

Funding Request Number: 1014067 Funding Status: Not Funded
 Services Ordered: Internal Connections
 SPIN: 143004851 Service Provider Name: ProMedia Technology Services, I
 Contract Number: A81225
 Billing Account Number: N/A
 Earliest Possible Effective Date of Discount: 07/01/2003
 Contract Expiration Date: 06/30/2004
 Site Identifier: 122775
 Annual Pre-discount Amount for Eligible Recurring Charges: \$0.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$234,255.00
 Pre-discount Amount: \$234,255.00
 Discount Percentage Approved by the SLD: N/A
 Funding Commitment Decision: \$0.00 - Bidding Violation
 Funding Commitment Decision Explanation: The dollars requested were reduced to remove the ineligible services: Configure Security, Onsite Design for Security and QOS. Documentation provided demonstrates that price was not the primary factor in selecting this service provider's proposal.

Funding Request Number: 1014085 Funding Status: Not Funded
 Services Ordered: Internal Connections
 SPIN: 143004851 Service Provider Name: ProMedia Technology Services, I
 Contract Number: A81225
 Billing Account Number: N/A
 Earliest Possible Effective Date of Discount: 07/01/2003
 Contract Expiration Date: 06/30/2004
 Site Identifier: 122775
 Annual Pre-discount Amount for Eligible Recurring Charges: \$0.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$62,880.00
 Pre-discount Amount: \$62,880.00
 Discount Percentage Approved by the SLD: N/A
 Funding Commitment Decision: \$0.00 - Bidding Violation
 Funding Commitment Decision Explanation: The dollars requested were reduced to remove the ineligible services: End User Training, Deploy IP phones and Record IP Telephone MAC addresses. Documentation provided demonstrates that price was not the primary factor in selecting this service provider's proposal.

Part I: Contracts/Bids/Vendor Selection

- With the E-rate grant application, the library submitted the legally binding agreements as presented by its vendors. All of these may be found in attachments 21 of the E-rate application.
- After posting our requests for services, we began to research the vendors on the areas of price, post-sale support, technological leadership, and understanding of the Library's needs.
- With all of the vendors (Verizon, AT&T, Qwest, & Level3/Genuity) we procured services covered under the State procurement laws.

Part II: Information Regarding Item 25 Certification

- See enclosures (FAX).

Sections II through VI

Hardware:

- In terms of financial resources we have enclosed a report of the budget allocated for the acquisition of hardware. We use state-registered vendors such as Dell computers, CDW, Cisco, Sun Microsystems, to name a few.
- The Library currently has twenty-two servers. These provide resources ranging from file/print, DNS, web hosting, email, network security, anti-virus, proxy, filtering, network management, user management, among others (see attachments). We are requesting six additional servers; this will be employed as web, DNS, and email hosts. In terms of additional network drops, the Library is requesting about 500 access ports.

Software:

- The Library takes advantage of academic discounts allowable by certain vendors. In many cases, these discounts are as high as 85% of the MSRP. CDWG, the Library primary value added resellers, passes on these discounts to the Library. Additionally, the Library received the Gates

Foundation Grant. Through this grant, the Library was awarded three hundred thirty additional licenses of Microsoft software for its public access computers.

- On the administrative side: Microsoft Advanced Server 2000, Microsoft SQL, Microsoft Internet Security and Acceleration Server, Microsoft Office Professional 2000, Microsoft SharePoint, Microsoft SitePortal, Microsoft Content Management Server, Symantec Antivirus Corporate, Microsoft Internet Information Server, IPSwitch WhatsUp Gold, IPSwitch Imail, Websense Internet Filter, Webtrends Log Analyzer. For the next 12-month period, we are planning on acquiring Veritas BackUp Executive software. It will address our need for enterprise-wide software & data back up and recovery.
- On the educational side: Microsoft Office Professional 2000, Microsoft Bookshelf, Microsoft Encarta, Microsoft Streets and Maps, Microsoft Encarta Africana, Mavis Beacon Typing, Microsoft Publisher, and FrontPage. Through the Gates Foundation Grant, expanded our pool of Microsoft-related software licenses allocated for public use.

Retrofitting:

- The Library had its major retrofitting campaign in 1996. At that time, the library wired and upgraded wiring at all of its buildings to meet the networking needs of the people who use our facilities. During 2002 - 2003, the library carried out a major wiring campaign at its ten branches. This enabled us to bring wiring standards up to date (CAT 5+E), which will the more stringent requirements of voice and high-speed data traffic.

Maintenance:

- Equipment that is not under warranty is serviced by the Library's own Information Technology Department. The Library makes a case of replacing computer equipment every 4 years or so, as funds become available. In essence most equipment, is under standard warranty (3 years parts/1 year labor). However, critical systems, such as: servers, core routers, Internet and the like are maintained on continuous parts/labor agreements.

LIBRARY TECHNOLOGY PLAN (click icon below)



"Newark Public
LibraryTechnology Pl

RESOURCE PLAN: FAX BACK PAGE 2

- Previous Years Investments to support Item 25 of E-Rate Services
 - Development of telecommunication infrastructure
 - Upgrade of our local area backbone from FDDI to Gigabit Ethernet
 - Extend network access points to areas previously underserved
 - Upgrade internal connections at all library branches
 - Increase all branch-to-main building WAN connections (ISDN 128 Kb/s to Frame Relay 1.5 Mb/s)
 - +Added technology staff that supports more advanced technologies (VLANs, multi-protocol routing, secure internet connectivity, VPN, among others)

- Internally grown databases, and other software developments
- Projects that will benefit from Item 25 of E-rate Services
 - Greater number of crucial library services now run over the Internet
 - More effective on-line reference
 - Additional on-line indexes and databases
 - Statewide Q&A project
 - Increased multimedia rich content on web page
 - Greater need for internally managing domain name services
- Resources in Place from prior years of E-rate funding
 - Internet connection and services
 - Internal web servers
 - Main site and branches routers
 - WAN links among main site and its branches
 - Switches for internal connections

E-RATE IMPLEMENTATION DESCRIPTION: FAX BACK PAGE 3

We are pursuing two primary purposes in implementing our E-Rate request.

The first one is the continuation of all critical telecommunication services. These include the local area network, the wide area network, and our connections and services over the Internet. The second priority entails the provisioning of additional throughput as required by our growing online services usage. To

achieve these goals, we are contracting with Tier -1 service providers to strengthen the ability of the network to access, transmit, and deliver information; such must also be characterized by failure resistance (a multi-path over multi-medium environment) as well as by a no single-point of failure architecture.

Equally important, The Newark Public Library will benefit from the building blocks set in place during previous years of technological deployment. As mentioned earlier, these encompass: the management of a mature medium size network, the Gigabit Ethernet backbone, development & maintenance of web servers, establishing a metropolitan and a regional area network, and investing in technological staff training.

Faxes Sent Separately:

1. Information Regarding Item 25 Certification
2. Technology Implementation Level Worksheet
3. E-Rate Implementation Description: Fax Back Page 4

Responses to year 2003 selective review:

BUDGET:

The revenue portion of NPL's budget allocating the applicant share of \$167,605.87 will be drawn from:

- a. The operating budget allocated by the City of Newark
- b. Outside revenue sources
- c. The capital budget allocated by the City of Newark, awarded in 2002 to cover the period May 2002-April 2004

Documentation for each of these is attached.

CONTRACTS:

The Newark Public Library would not enter into a contract for services that were contingent upon an e-rate award prior to receiving that award. Legally binding agreements will be reached with service providers upon receipt of e-rate award. Dollar amounts on forms 471 are the result of responses to RFQs by the potential service provider. These vendors have verbally agreed to provide the stated service at the cost indicated in the filed 471 forms.

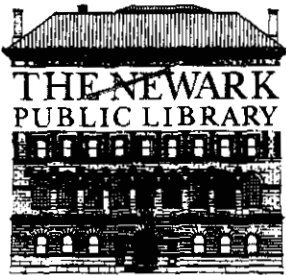
In some cases, such as the provision of Internet services to the public, NPL would be continuing an existing service.

BIDS:

Documentation attached.

VENDOR SELECTION:

Documentation attached.



5 Washington Street
Post Office Box 630
Newark, NJ 07101-0630
973.733.7800
www.npl.org

TRUSTEES

Trish Morris-Yamba, *President*

Debbie Salas-Lopez, *Vice President*

Marion A. Bolden

District Superintendent

Alternate: Gayle W. Griffin, Secretary

Joseph Yeadon, *Treasurer*

Alberto Coutinho

Timothy J. Crist

Sharpe James, *Mayor*

Alternate: Dwayne Ashley

Clement Alexander Price

Alex Boyd, *Director*

October 8, 2004

USAC/SLD

Re: Case # 21-149200

Dear Kathy:

As you are aware, the Newark Public Library was denied funding for each of its requests in March of this year. Subsequently, the Library filed an Appeal of that funding decision which was then denied in August. The Full Denial of each of our funding requests was based on the alleged failure to respond to the January 12th and 20th SLD requests for additional information. In order to properly appeal the August 18th denial, I respectfully request copies of the subject SLD requests.

Kindly send a facsimile of said requests to 973.733.8539 at your earliest convenience. Furthermore, I authorize the following Newark Public Library representatives to share the rights and privileges of the contact person for matter pertain to this appeal: legal counsel, Ms. Grey [Acting Director], Joseph Casale [Assistant Director for Finance], George Wheatle Williams [Assistant Director for Development].

As always, thank you for your prompt attention to this matter.

Sincerely,

Luis Hernandez
Assistant Director
Information Technology

Cc: Project File

Faxed to 888.276.8736 on Friday, October 8, 2004

Joseph Casale

From: lhernandez [lhernandez@npl.org]
Sent: Thursday, March 11, 2004 3:23 PM
To: erate@npl.org
Subject: [Fwd: Application 376017]

Kenneth Stibitz wrote:

- >
- > Mr. Hernandez,
- >
- > I have been assigned you application for the remaining initial review and have the following questions / requests:
- >
- > Regarding FRN 1029978 - Dell Marketing @ 440,652.37 - please cost allocate the following items:
- >
- > 1) 902-2718 System Mgmt Foundation CBT
- > 2) 902-2719 BC Foundation CBT
- > 3) 902-2717 PE SVR Foundation Cert PKG
- >
- > Regarding FRN 1030104 and FRN 1030160 - please provide the server usage / functionality (IE: Domain Name, Print, E-mail, Terminal etc).
- >
- > If you have any questions please feel free to contact me.
- >
- > Please keep in mind that by program rules we require a response within 7 calendar days.
- >
- > Best Regards,
- > Kenneth C. Stibitz
- > Schools and Libraries Division
- > Program Integrity Assurance
- > Voice (973)884-8331
- > Fax (973)599-6513
- > kstibit@sl.universalservice.org

Joseph Casale

From: Karen Warden [KWARDEN@neca.org]
Sent: Wednesday, February 18, 2004 9:08 AM
To: erate@npl.org
Subject: Application # 376017



Letter to
applicant.DOC

See Attached Letter for follow up question.

Sincerely Yours

Karen Warden

Phone # (973) 428-7363

Fax# (973) 599-6523